

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 16058 of 2004

Between:

V. Sambhi Reddy S/o. Rami Reddy
Nidamaru (V) Mangalagiri Mandal
Guntur District.

..... PETITIONER

AND

1. Divisional Cooperative Officer Guntur Guntur District.
2. Joint Registrar/District Cooperative Officer,

Guntur, Guntur District.

3. Cooperative Sub Registrar (Establishment)

Section 51 Enquiry Officer,

O/o The Divisional Cooperative Officer, Guntur,

Guntur District.

4. Nidamaru Primary Agricultural Cooperative Society Ltd,

Nidamaru, Mangalagiri Mandal, Guntur, Guntur District
represented by its Mangalagiri Branch Manager/

Person-in-charge.

.....RESPONDENTS

ORDER:

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None appears for the petitioner even though the matter is listed today under the caption "for dismissal".

2. For issuing a Writ of Mandamus declaring the instructions dated 08.07.2004 in Rc.No.1330/2002-E of the Divisional Cooperative Officer, Guntur, Guntur District i.e. the first respondent instructing the 4th respondent herein to file Criminal Complaint against the petitioner herein along with another as they are without jurisdiction, arbitrary and contrary to section 83(3) of the A.P. Cooperative Societies Act 7 of 1964 and in violation of the Articles 14 and 16 of the Constitution of India, the present writ petition has been filed.

3. It is a case of alleged misappropriation, and therefore, the first respondent issued show cause notice dated 26.06.2003 calling upon the petitioner to explain as to why an amount of Rs.17,205/- should not be surcharged against him along with interest at the rate of 18% p.a. under Section 60(1) of the A.P. Cooperative Societies Act 7 of 1964 for the alleged irregular expenditure incurred on repairs of the building of the society. According to the petitioner, even though he submitted his explanation to the said show cause notice, an enquiry was initiated and it is still pending. If it is a case of misappropriation, there is no bar for registering a criminal case against the petitioner.

4. Having regard to the facts and circumstances of the case, as there is no factual foundation as to how the instructions issued by the first respondent to the fourth respondent to file a criminal complaint against the petitioner is contrary to any of the provisions of the Act, I am not inclined to entertain this writ petition since it is totally devoid of merits.

Accordingly, the writ petition is dismissed. No costs.

(K.C. BHANU, J)

Date: 29.09.2005

Ksn